

## REMARKS

The Final Office Action mailed August 10, 2007 has been received and carefully noted. Claims 1-21 are currently pending in the subject application and are presently under consideration.

Claims 1, 6, 12, 15, and 19 have been amended herein. Support for the claim amendments can be found in at least paragraph 0022 of the Specification. Therefore, no new matter has been presented by the claim amendments and entry thereof is respectfully requested. A listing of claims can be found on pages 2-6 of this Reply.

Favorable reconsideration of the pending claims is respectfully requested in view of the following amendments and comments.

### **I. Rejection of Claims 1-21 Under 35 U.S.C. § 103(a)**

Claims 1-21 stand rejected under 35 U.S.C. § 103(a) as being obvious over Strömbergson *et al.* (U.S. 6,807,621), in view of Harris (U.S. 6,260,138). The Applicants respectfully request that these rejections be withdrawn for at least the following reason. Strömbergson *et al.* and Harris, alone or in combination, do not teach or suggest all the claim limitations.

To establish *prima facie* obviousness of a claimed invention, ***all the claim limitations*** must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

*See* MPEP § 2143.03 (emphasis added). In particular, amended independent claims 1, 6, 12, 15, and 19 recite: "a third device coupled to the first device and second device to track relative segment order between the first device and the second device by storing data for a set of switch points in the third device, the data indicating a transition in consecutive segment assignment from the first device to the second device, the third device to identify, ***based on the data for the set of switch points stored in the third device***, a switch point from the set of switch points that is associated with an instruction occurring after a mispredicted instruction" (emphasis added) or analogous aspects. Strömbergson *et al.* and Harris, alone or in combination, fail to teach or suggest these aspects.

The Examiner contends that the third device is taught by the commit stage of Figure 1 in Strömbergson *et al.*, but concedes that the cited reference “fails to disclose that these instructions are among consecutive sets of instructions with a switch point indicating a transition from a first to a second reorder buffer” (See Final Office Action mailed August 10, 2007, pg. 3). The Examiner contends that Harris “discloses instruction path [*sic*] separated by conditional branch instructions, where different branch paths are sent to different execution units” in Figure 6 and col. 7, ll. 9-37 (See *Id.*). However, the Applicants respectfully contend that such combination does not teach or suggest all the claim limitations of the independent claims as amended, namely, “the data indicating a transition in consecutive segment assignment from the first device to the second device, the third device to identify, ***based on the data for the set of switch points stored in the third device***, a switch point from the set of switch points that is associated with an instruction occurring after a mispredicted instruction” (emphasis added).

Strömbergson *et al.*’s commit stage includes a reorder buffer that reorders executed instructions that arrive in a disordered manner (See Strömbergson *et al.*, col. 8, ll. 22-27). However, there is no indication that the commit stage/reorder buffer stores “data indicating a transition in consecutive segment assignment from the first device to the second device” or that the commit stage/reorder buffer identifies a switch point based on that internally stored data. Therefore, the Examiner offers Harris.

In Figure 6 and col. 7, ll. 9-37, Harris discloses an example of instruction paths that have been bifurcated at various branch points, in which each instruction path is tagged with a “priority tag.” The example of Figure 6 illustrates a three bit priority tag that would therefore be able to prioritize up to eight branches (See Harris, col. 7, ll. 1-8). After the priorities are allocated to the individual instruction paths, the instructions are then dispatched for execution. However, the cited passage and corresponding Figure do not teach or suggest a third device “to identify, ***based on the data for the set of switch points stored in the third device***, a switch point from the set of switch points that is associated with an instruction occurring after a mispredicted instruction” where the data indicates “a transition in consecutive segment assignment from the first device to the second device.” The priority tags only indicate to a dispatch unit whether the instructions should or should not be dispatched when the branch is or is not being taken, respectively (See *Id.* at col. 6, ll. 52-57). Thus, there is no teaching of a third device that identifies **a switch point** associated with an instruction occurring after a mispredicted instruction **based on** data stored

within the third device, when the data corresponds to a transition in consecutive segment assignment from the first device to the second device. Therefore, reconsideration and withdrawal of the rejections of amended independent claims 1, 6, 12, 15, and 19 are respectfully requested.

Claims 2-5 depend from independent claim 1, claims 7-11 depend from independent claim 6, claims 13 and 14 depend from independent claim 12, claims 16-18 depend from independent claim 15, and claims 20 and 21 depend from independent claim 19, thus incorporating the limitations thereof. For at least the above reasons relating to the amended independent claims, Strömbergson *et al.* and Harris, alone or in combination, do not teach or suggest all the claim limitations of the dependent claims. Accordingly, it is respectfully requested that these rejections be withdrawn.

### CONCLUSION

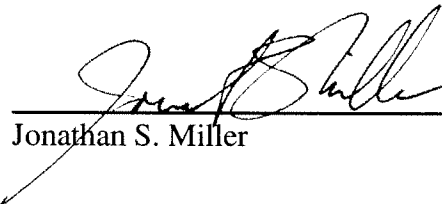
In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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I hereby certify that this paper is being transmitted online via EFS Web to the Patent and Trademark Office, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450, on January 8, 2008.

  
Lori Ciccio 1/8, 2008